

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FRANK J. DOMBOS,

Petitioner,

v.

CIV 09-0200-JB-GBW

JAMES JENECKA, Warden,
Lea County Correctional Facility,
and GARY KING, New Mexico
Attorney General,

Respondents.

ORDER DENYING MOTION TO SUPPLEMENT RECORD

THIS MATTER is before the Court on Petitioner Frank Dombos' Motion to Supplement the Record. *Doc. 91*. The Court finds that the motion is not well taken and it shall be denied.

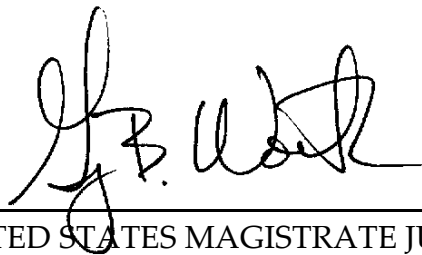
Mr. Dombos requests the Court to supplement the record with incident reports from state court, tape logs, a video tape shown at trial, a taped interview of the victim from his state case with a deputy, police scene photos, a letter written by the victim in his case, and his grand jury transcripts. *Doc. 91* at 9. The Court has already ordered the record proper for this case. *See Docs. 45 & 86*. The Court has had an opportunity to go through the record and finds that documents contained therein are sufficient to evaluate the merits of Petitioner's claims at this time. Further, it appears that Petitioner's request stems from a belief that he is entitled to correct errors of fact regarding his state court trial. This is not

the purpose of habeas corpus proceedings. Rather, the “criminal trial is the ‘main event’ at which a defendant's rights are to be determined, and the Great Writ is an extraordinary remedy that should not be employed to ‘relitigate state trials.’” *McFarland v. Scott*, 512 U.S. 849, 859 (1994) (citing *Barefoot v. Estelle*, 463 U.S. 880, 889 (1983)); see also *Autry v. Estelle*, 464 U.S. 1, 3 (1983) (“Federal courts are not forums in which to relitigate state trials.”); *Thompson v. State Of Oklahoma*, 202 F.3d 283, *6 (10th Cir. 2000) (“Federal habeas courts do not sit to correct errors of fact or to relitigate state court trials”). Accordingly, Petitioner’s Motion to Supplement the Record is denied.

Wherefore,

IT IS HEREBY ORDERED THAT:

Petitioner’s Motion to Supplement the Record (*Doc. 91*) is **DENIED**.

A handwritten signature in black ink, appearing to read "J. B. Work", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE